35-65

Allstates Transworld Van Lines

P.O. Box 11998
St. Louis, Missouri 63112
314-389-6200
314-389-0472 Fax

2005 NOV -3 P 3: 02

RECEIVED & INSPECTED
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FCC - MAILROOM

Oct. 31, 2005

Federal Communications Commission
Mr. Kevin Martin
445 12th Street S. W.
Washington, D. C. 20554

Dear Sir:

We requested nearly one (1) year ago that we be notified as to the time and place of any and all hearings that related to the SBC and AT & T merger.

We feel that we have pertinent information that relates to SBC'S operations toward the public. We wish to inform the Commission of our interest in participating in these merger hearing.

We went on record as to our interest in these hearing.

Cordially,

Timothy Person, Sr

Timothy D. Person, Sr

Allstates Transworld Van Lines

P.O. Box 11998
St. Louis, Missouri 63112
—:—
314-389-6200
314-389-0472 Fax

MAY 11, 1995

TO WHOM IT MAY CONCERN:

ENCLOSED PLEASE FIND COPIES OF THE FOLLOWING:

1. Newspaper articles pertaining to our fight with Southwestern Bell Telephone Company.

2. In the interest of informing you as to the validity of our seeking relief in court and to demonstrate that our suit against the telephone company was not frivolous or without bases, we have included letters from other public service commissions.

3. And Some articles from publications that we hope will give you some insight into our company's history.

Our position is that the telephone company (Southwestern Bell Telephone Company) has victimized tens of thousand of small business persons by turning off their phone services for the Yellow Page Advertising charges contrary to their (telephone company) tarriffs.

We were aware of the tarriff provisions precluding their turning off the service for directory advertising charges and the (telephone company) claimed they were unaware of any such provisions.

Thank you for your kind attention to our plight with the telephone company.

Sincerely,

Timothy Person, Sr.

TIM PERSON, SR PRESIDENT
ALLSTATES TRANSWORLD VAN LINES, INC.

Allstates Transworld Van Lines, Inc.

P. O. BOX 11998
St. Louis, Missouri 63112

314-389-6200

Dear Mike Hennigan
Informal Complaints and Public
Inquiries Branch
IC-90-03178

I appreciate your Board's consideration of our request. However, it appears that we may have understated our case.

Our complaint is not limited to American Telephone and Telegraph, but also includes the Bell Operating Companies (known as Baby Bells).

The illegal policies that were practiced by AT&T are now being perpetuated by the Baby Bells, including Southwestern Bell Telephone, upon the public.

Allstates Transworld Van Lines, Inc., is not trying to get your Board or any State Regulatory Agency to intervene in its behalf, but rather, in behalf of the public, who may not be aware of AT&T's tariffs. We would like to respectfully request that your Board require the phone companies to:

1. Abide by the rules and regulations it relates to the interruption of phone service for nonpayment of Yellow Page or directory advertising.
2. Notify small businesses that are in danger of having their service interrupted because of the tariff provisions precluding such, if all other charges are paid.
3. Notify companies whose services were interrupted and who made partial payments sufficient to maintain their services for the past seven years that the phone companies made a breach of the tariff provisions. (What we are attempting to do is get the Public Service or Utility Boards to require the local phone companies to abide by the tariff provisions and notify their subscribers that if all charges but directory advertising are paid timely, there would not be service interruptions.
4. Prevail upon the Public Service or Utility Boards to change this provision to allow them to legally interrupt phone service for nonpayment of Yellow Page advertising, if they contend that this would be untenable.

AT&T and the Baby Bells provide service for more than 5 million businesses in the United States. Let us assume, for the sake of argument, that an estimated 10 per cent of these businesses were disconnected for non-payment of Yellow Page advertising. These businesses are victimized by the phone companies' failure to inform them of certain tariff provisions as related to the interruption of service. They are being hurt by the lack of communication and information from AT&T and the Baby Bells.

Also, AT&T's lines of communication with the Baby Bells do not appear to be open. If they were, there would not be any confusion or misinformation about the tariff on Yellow Page advertising.

When AT&T broke up in 1984, it divested its operating companies, which became known as Baby Bells. It was no longer a monopoly, but it certainly maintained monopolistic control over the Baby Bells, which linked telephone communication from one point to another, like the transportation of people, goods or services, from one place to another..Telephone communication now requires the services of a Baby Bell and consumers have no alternative to the Baby Bell for local telephone service. In short, the telephone companies still enjoy monopolistic power and there is very little that can be done about it unless a link is established with the Public Utility or Service Board, as well as the Federal Communications Commission.

A Public Utility or Service Commission can significantly influence what consumers pay and use for telephone services. It also derives control through its authority to grant licenses or certificates for telephone service. Through its power to deny certificates, it can limit the monopoly of companies that provide telephone service.

It is our belief that your Commission can and does set the policy for the operation of telephone services in your state and should use this power to warn AT&T and its Bell Operating Companies to stop interrupting telephone services for lack of payment of Yellow Page advertising, which is against its tariff provisions.

It is also our belief that your Commission can influence the communications policy of the Federal Communications Commission. To quote a telephone analyst, we feel that: "Under the current system of federal and state governance, individual Commissions are able to develop their own policies, as long as they are generally consistent with federal policy." The State Commission and the FCC, hence, can cooperate with each other in the development and implementation of a certain policy.

As mentioned before, we do not think AT&T is communicating with or informing the consumers properly about its relationship to the Bell Operating Companies. Its lines of communication are poor. Otherwise, there should not be any misinformation or misunderstanding about its tariffs around Yellow Page advertising.

Many of the Public Service or Utility Boards stated that the jurisdiction for Yellow Page advertising fall under the Bell Operating Companies and not under AT&T. A telephone analyst made the following statement: "The Court did require the modification allowing the BOCs to sell (but not manufacture) equipment, and to have the printed Yellow Page business." It appears, upon the basis of this statement, that the Commissioners, who responded bo our letter, are correct in saying that the jurisdiction of Yellow Pages falls within the power of the Baby Bells.

We have followed the Commissioners' suggestion about contacting the local exchange and intrastate telephone services (including Southwestern Bell) under whose jurisdiction are the Yellow Pages.

We have gotten a consensus from most of the Commissions around the country that we should be in touch with the Missouri Public Service Commission. They are investigating the situation for us.

Even the Federal Communications Commission is looking into the matter for us and we are awaiting a report from them regarding the situation. The FCC stated in a letter to us "that an inquiry into this matter is warranted because it appears that your service was disconnected due to partial payment of Yellow Page advertising." The FCC sent an order to Southwestern Bell or ATTCOM to report on the matter.

It appears that we are correct in stating tha the discontinuance of our service is in direct violation of AT&T's tariff which states that "telephone service cannot be interrupted for non-payment of directory advertising."

We hope you will not just consider our case but also look at other business consumers who may have been victimized unknowingly by AT&T and the Baby Bells.

Cordially yours,

Timothy Person, Sr.

Mr. Timothy Person
President

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

June 23, 1998

Timothy Person
Allstates Transworld Van Lines, Inc.
5736 Martin Luther King Drive
St. Louis, MO 63112

Re: Request for the Commission's position on termination of service for non-payment of Yellow Pages advertising.

Dear Mr. Person:

This letter is in reference to your March 9, 1998 letter to the Commission and will also memorialize what we discussed on your subsequent visit to my office concerning the Commission's advice to help you in appealing the Missouri court's denial of your claim for damages against Southwestern Bell for terminating your local exchange service for non-payment of Yellow Pages advertising charges. As we discussed, these are my personal views based on my research and experience in the Common Carrier Bureau and are not to be construed as the official position of the Commission.

The Commission has held that, although it has statutory authority to regulate disconnection of telephone service for non-payment of charges and to preempt state regulation of the terms and conditions under which disconnection will be allowed, it usually views termination of local exchange service as a matter within the province of the state public service commissions and would not normally act to resolve disputes of this nature. *See, e.g., Public Service Commission of Maryland*, 4 FCC Rcd 4000, 4006 (1990). The Commission generally defers to the states in allowing them to decide whether and under what conditions local exchange carriers will be able to disconnect service. *See Matter of Detariffing Billing and Collection Services*, 102 FCC 2d 1150 (1986).

Prior to the *Maryland* decision, *supra*, the Commission dismissed a complaint challenging termination of local exchange service for non-payment of interstate toll charges. In deferring the matter to the Arkansas Public Service Commission, the Commission held in *Williams v. Southwestern Bell Telephone Co.*, 2 FCC Rcd 7429(1987), that billing and collection practices of local exchange carriers for termination of local service for non-payment of interstate charges were generally matters of state, not federal, concern and subject to regulation by local state utility commissions.

The Commission has, however, consistently taken the position that a carrier can terminate service only for non-payment of its communications charges. *See Policies and Rules Concerning Interstate 900 Services*, 6 FCC Rcd 1857,1859-60 (1991). There the Commission held that access to basic telecommunications services should not be jeopardized by non-payment of charges that are unrelated to transmission services.

Additionally, in resolving informally a series of complaints filed during the early 1970s concerning threatened disconnection of local exchange service for refusal to pay the federal excise tax on interstate toll charges, the staff involved in resolving these matters, of which I was a member, took the position that local exchange service could not be terminated for refusal to pay this tax. (The non-payment was an anti-war protest). The staff's position was that, although related to an interstate communications service, these taxes were not charges for interstate communications service, nor were they even the charges of the carrier. In the staff's view, the telephone company was merely the collection agent for the Internal Revenue Service and local telephone service could not be terminated because of failure or refusal to pay this tax. After informal discussions with the staff, the carriers agreed to discontinue threatening termination of local exchange service for non-payment of the excise tax. Since there was no formal resolution of this series of complaints, there is no published language which can be cited.

Although the Commission has not issued an opinion directly on point about Yellow Pages advertising, it has spoken on the issue of non-payment of information service charges billed by the telephone company. In the Order promulgating rules in compliance with the Telephone Disclosure and Dispute Resolution Act (TDDRA), the Commission stated that common carriers would not be permitted to disconnect or interrupt local exchange or long distance service for non-payment of the charges for information services such as 900 pay-per-call services. *See Policies and Rules Implementing the Telephone Disclosure and Dispute Resolution Act* 8 FCC Rcd 2331 at 2344 (1993). It should be noted that the TDDRA explicitly directs the Commission to promulgate rules to this effect. *See* 47 U.S.C. § 228(c)(4).

In one of the attachments to your March 9 letter, it appears that the underlying basis for the judge's decision denying your claim for damages against Southwestern Bell was that Southwestern Bell had an effective tariff provision permitting termination of local service for non-payment of Yellow Pages charges which he presumed made Southwestern Bell's action lawful. Under the tariff scheme established by the Communications Act of 1934, as amended, most rates and tariff provisions are initiated by the carrier. Generally, the fact that a carrier had an effective tariff provision would not be presumptive that this agency had approved such a provision. It would merely mean that the provision was allowed to become effective and became the binding legal tariff of the company. *See, e.g., Arizona Grocers Co. v. Atchison, T & S.F. Ry. Co.*, 284 U.S. 370,384 (1932) (although a carrier-initiated tariff provision is legally binding on the customer, it is not lawful until it has been found reasonable by the appropriate regulatory agency upon complaint by the customer). Therefore, unless an agency has affirmatively ruled on the reasonableness of a tariff as a whole, or of a specific provision, it cannot be presumed lawfully approved by the agency. The general acceptability of this proposition is clear from the second attachment to your letter, *i.e.*. the letter to you from Mr. Van Eschen of the Missouri Public Service Commission, wherein he indicated that it would appear to be unreasonable for the local phone company to disconnect service only for failure to pay Yellow Pages charges.

If I can be of any further help, do not hesitate to contact me.

Sincerely,

Roger J. Hertz
General Attorney
Enforcement Division
Common Carrier Bureau

U S WEST Dex, Inc.
5600 Wyoming Boulevard Northeast
Albuquerque, NM 87109
Phone 505 828-9322
Fax 505 857-9448
E-mail rflemin@uswest.com

Bob Fleming
New Mexico Market Manager

USWEST Dex
Your Directory Expert

Allstates Transworld Van Lines
Timothy D. Person, Sr.
P.O. Box 11998
St. Louis, Missouri 63112

US WEST Dex
Bob Fleming
5600 Wyoming Blvd. NE
Albuquerque, New Mexico 87109

Dear Timothy,

This letter is to confirm our discussion of September 22, 1997. As I stated US WEST Dex currently has no policy in place to interrupt telephone service for unpaid Yellow Page advertising charges. I confirmed this with our Customer Service department on September 22, 1997. In New Mexico US WEST Communications is used as a billing agent for US WEST Dex (Yellow Page Publisher) but the advertising charges are separate from the phone charges. I hope this information is what you were looking for. If I can be of further assistance please let me know.

Sincerely Yours

Bob

Bob Fleming

Bell Atlantic - Delaware, Inc.
3900 Washington Street
Wilmington, Delaware 19802

October 15, 1997

Tim Persons
Po Box 11998
St. Louis, Mo 63112

Dear Mr. Person,

I am writing to confirm our conversation on 10-15-97. Bell Atlantic De. does not suspend Bell Atlantic Services due to delinquent Directory Advertising.

Very Truly Yours

Ms C Kirkpatrick
Ms C. Kirkpatrick

ST. LOUIS POST-DISPATCH

VOL. 117, NO. 125 Copyright 1995 FRIDAY, MAY 5, 1995 (6) 5-STAR 50

Movers Win $12 Million Jury Award

Firm's Phone Service Was Cut Over 60 Times

By Tim Bryant
Of the Post-Dispatch Staff

When a St. Louis moving company had trouble meeting expenses in the early 1980s, a lawyer suggested it stop paying its Yellow Pages bill. Just pay the bill for your telephone service and you'll be fine, he told the owners.

Bad advice.

Southwestern Bell cut off the company's phones more than 60 times between September 1982 and March 1983 as it tried to collect for the overdue Yellow Pages bill, said the company's *new* lawyer.

As a result, the company lost its biggest customer — the Defense Department.

But phones at the company, All-

See MOVING, Page 14

Moving

From page one

states Transworld Van Lines Inc., were ringing with good news Thursday after the firm won a $12 million jury award in St. Louis Circuit Court.

The company claimed it was nearly wiped out by repeated disruptions in phone service. The telephone company said that it would appeal.

The jury award capped an 11-year legal battle between the telephone company and Allstates. Timothy Person Sr., president of the moving firm, said he was thrilled.

"This is a big day in my life," he said. "Without the help of those who believed in the destiny of this case . . . this would not have happened."

Person is the father of Tim Person, a top aide to Mayor Freeman Bosley Jr.

The jury reached its decision late Wednesday after an eight-day trial. The award is for $4 million in actual damages and $8 million in punitive damages.

Most of the company's business came from moving the belongings of military personnel. Allstates got Interstate Commerce Commission approval in 1980 as a minority-owned nationwide household goods carrier.

Allstates' lawyer, Gary J. Morris, said the company and Southwestern Bell disputed what portion of the moving company's $11,000 phone bill represented Yellow Pages expenses.

Regardless, the phone company chopped service even though it could have taken money from Allstates' deposit, which amounted to nearly $5,000, Morris said.

Person has built back his company to where it is doing "reasonably well," Morris said.

PD 11.28.96

Court Overturns Award Against Southwestern Bell

By Tim Bryant
Of the Post-Dispatch Staff

A state appeals court ruling has cost Allstates Transworld Vanlines Inc. $12 million.

That was the jury award the moving company won against Southwestern Bell Telephone Co. after it chopped Allstates' phone service over an unpaid Yellow Pages bill.

The Missouri Court of Appeals ruled Tuesday that Southwestern Bell was justified in disrupting Allstates' phone service in 1982 and 1983. The phone company owes Allstates nothing.

Allstates, which is based in St. Louis, claimed that disrupted phone service had cost it its contract with the federal Military Traffic Management Command. Allstates used to move household goods of military personnel being transferred throughout the country.

The company argued that an overdue Yellow Pages bill should have been separate from its phone service, which was paid.

In May 1995 a St. Louis Circuit Court jury agreed, awarding Allstates $4 million in actual damages and $8 million in punitive damages.

But the appeals court ruled that the two services were linked until 1985, so Southwestern Bell was justified in discontinuing phone service for any sum due.

A jury awarded Allstates Transworld Vanlines $12 million after Southwestern Bell cut its phone service over an unpaid Yellow Pages bill.

"The two accounts were co-dependent," the court said.

"There would be no Yellow Page account without first having business-line service. The amounts due for Yellow Pages and for line service were included in the same bill sent to consumers."

In 1985, deregulation and divestiture in the telephone industry meant that the Yellow Pages and local phone service became separate businesses.

Allstates will not get another chance for a trial, the appeals judges ruled, reversing an earlier decision.

In September 1995, St. Louis Circuit Judge Timothy J. Wilson ordered a new trial because a juror had failed to disclose that her phone service had been cut for unpaid phone bills.

Logged 3/31

RECEIVED

CECIL I. WRIGHT
Executive Secretary

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
573-526-5695 (TT)

March 28, 1997

Senator J.B. "Jet" Banks
Suite 319, State Capitol
Jefferson City, Missouri 65101

Dear Senator Banks:

I am responding to your letter requesting a written response to the question of whether a local telephone company can disconnect a business customer for failure to pay charges associated with a Yellow Pages account. In brief, the answer is dependent upon a number of factors such as the wording contained in the particular local telephone company's tariff, how Yellow Pages charges are billed and the contract signed between the Yellow Pages company and the Yellow Pages customer. Depending on factors such as these, a local telephone company may or may not be authorized to disconnect telephone service for nonpayment of Yellow Pages charges. I will note that as a result of a statute enacted in 1985, the Commission does not have jurisdiction over complaints concerning Yellow Pages listings and advertisements. (See Section 386.330.4 RSMo Supp. 1996.)

Commission rule 4 CSR 240-33.070 identifies conditions by which telephone companies can disconnect residential telephone service. Specifically, paragraph 2 of this rule states, "The failure to pay charges not subject to commission jurisdiction shall not constitute cause for a discontinuance unless specifically authorized in telephone utility tariffs approved by the commission." This rule only applies to residential customers. The Commission does not have a similar rule for business customers. Thus, local telephone company tariffs must be referenced in order to determine if the local telephone company can disconnect telephone service for nonpayment of certain charges such as for Yellow Pages service.

Most local telephone company tariffs are worded in a manner that provides the authority to disconnect telephone service for any charges placed on a customer's local telephone bill. This tariff wording is broad enough to allow companies to disconnect service for nonpayment of any undisputed charges regardless of whether the charges fall under the Commission's jurisdiction. Focusing on Yellow Pages charges, a local telephone company could disconnect telephone service if a customer fails to pay such charges should Yellow Pages charges appear on the customer's local telephone bill for the payment of the Yellow Pages charges in addition to the local telephone service charges. A local telephone company's tariff and how Yellow Pages charges are billed can vary among companies, which makes it difficult for me to definitely respond to your inquiry without specifying the tariff of a particular local telephone company. These factors must be analyzed for each local telephone company in order to make the determination of whether the particular local telephone company has the authority to disconnect telephone service for nonpayment of Yellow Pages charges.

Another factor I would consider is the specific wording of a company's Yellow Pages contract. Business customers typically sign a Yellow Pages contract in order to receive Yellow Pages service. Yellow Pages contracts can vary among the companies providing Yellow Pages service. The contract may state that disconnection of telephone service will result if the customer fails to pay Yellow Pages charges.

In consideration of these factors I will focus on Southwestern Bell Telephone Company (Southwestern Bell) since it is Missouri's largest local telephone company and no doubt serves the majority of your constituents. Southwestern Bell does have tariff language that allows the company to disconnect telephone service for failure to pay any undisputed charges on the bill. However, Southwestern Bell Yellow Pages separately bills Yellow Pages charges to its customers and has done so for over ten years. At least this separate billing has occurred since Southwestern Bell created a separate subsidiary in 1984 to conduct Yellow Pages operations. In addition, my review of the typical Southwestern Bell Yellow Pages contract does not reveal language that states the local telephone company may disconnect telephone service for failure to pay Yellow Pages charges. Therefore, in my opinion, Southwestern Bell may not presently disconnect telephone service for failure to pay Yellow Pages charges.

I trust this letter responds to your request. In summary, local telephone companies can differ in whether they may disconnect telephone service for nonpayment of Yellow Pages charges. These differences are dependent upon a local telephone company's tariff, how Yellow Pages charges are billed and the specific wording contained in the Yellow Pages contract. If you or any member of your staff have any questions, please let me know. I can be reached at the address listed above or by calling (573) 751-5525.

Sincerely,

John Van Eschen
Manager, Telecommunications Dept.

copies: Cecil Wright
Karen Massey
Bill Voight

Black Mover Wins National License

The New York Times/Jack Fahland

Timothy Person, right, with his father, David, his son, Timothy Jr., and his Grandson, Timothy 3d, in front of one of his trucks in St. Louis.

The New York Times

WEDNESDAY, FEBRUARY 6, 1980

THE NEW YORK TIMES, WEDNESDAY, FEBRUARY 6, 1980

By ERNEST HOLSENDOLPH

Special to The New York Times

WASHINGTON, Feb. 5 — Timothy Person, a St. Louis mover of household goods, has won a battle that lasted nearly two decades. Today the Interstate Commerce Commission awarded him a nationwide operating license, the first in his field ever to be held by a black enterprise.

Mr. Person, president of Allstates Transworld Van Lines Inc., had waged a campaign among truckers and Government agencies for support in his effort to win the license — an effort opposed by the industry's 19 national carriers.

The I.C.C. overruled an earlier recommendation by an administrative law judge who wanted to award Mr. Person authority in only 18 states and the District of Columbia. license for 46 states — all of the contiguous states except Vermont and New Hampshire.

Commission officials said today that it was the first time in memory that a nationwide license had been awarded. Most of the national carriers received their operating authority through a "grandfather" clause when the Motor Carrier Act was passed in 1935. Others gradually built their status over the years by adding a few states at a time.

Nationwide licenses are so scarce that some analysts have estimated their value at $15 million each, largely because they are part of a tightly protected industry.

The I.C.C. said it was awarding Mr. Person the license because he had shown competence to handle the work and because he had established that there was a need for such service, especially in the inner areas of most of the nation's large

authority short of all 48 contiguous states, Mr. Person is classified as a "secondary" carrier rather than a "prime" carrier. This enhances his opportunities to link up with existing carriers as he builds a cross-country network.

A spokesman for the Minority Trucking Transportation Development Corporation, which represents many minority truckers in Washington, hailed the awarding of the license as a sign of better opportunities for all of them.

In his campaign to win the license, Mr. Person, son of the founder of Allstates, gathered support from politicians around the nation (including the white mayor of Birmingham a year ago) as well as the Transportation Department, the Justice Department, the General Services Administration and the Defense Department. The G.S.A. and the Defense Department

STATE OF CALIFORNIA | GEORGE DEUKMEJIAN, *Governor*

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

June 19, 1990

Mr. Timothy Person
President
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

President Wilk is on vacation, and he has asked me to reply to your letter in his absence. You are correct that local exchange companies in California are not authorized to disconnect telephone service as a result of non-payment of yellow pages advertising. As of this time, our office is not aware that this practice has occurred in California.

However, I thank you for bringing it to our office's attention. I am forwarding a copy of this letter to our consumer affairs branch and I have alerted our telecommunications advisory division. If complaints of this nature do reach us, we will investigate.

Sincerely,

Phebe Greenwood

Phebe Greenwood
Advisor to President Wilk

COMMISSIONERS
ROBERT C. (BOBBY) PAFFORD, CHAIRMAN
GARY B. ANDREWS
BILLY LOVETT
CAS ROBINSON
BOBBY ROWAN

WILLIAM J. BUCKNER
EXECUTIVE SECRETARY

Georgia Public Service Commission

244 WASHINGTON STREET, S.W.
ATLANTA, GEORGIA 30334-5701

March 20, 1990

Mr. Timothy Person, Sr.
Allstates Transworld Van Lines, Inc.
P. O. Box 11998
St. Louis, MO 63112

Dear Mr. Person:

Your letter regarding your situation with American Telephone and Telegraph Company (AT&T) has been referred to me for handling.

First, let me please clarify the jurisdiction of the Georgia Public Service Commission. This Commission regulates all intrastate and local exchange services. There are 36 local exchange companies in Georgia, the largest of which is Southern Bell Telephone and Telegraph Company. AT&T is an interexchange carrier providing toll service within Georgia.

In Georgia, failure to pay directory advertising charges does not constitute sufficient cause for refusing, denying or discontinuing service to a present or prospective customer. These types of safeguards are strictly enforced by this Commission.

If you have a specific problem that falls under the jurisdiction of this Commission, please do not hesitate to contact us.

Sincerely

Donald G. Schubele
Rates and Research

/OJY

JOHN WAIHEE
GOVERNOR

YUKIO NAITO
CHAIRMAN

CLYDE S. DUPONT
COMMISSIONER

PATSY K. YOUNG
COMMISSIONER

STATE OF HAWAII
PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
465 S. KING STREET
KEKUANAOA BUILDING, FIRST FLOOR
HONOLULU, HAWAII 96813

June 19, 1990

Timothy Person, President
Allstates Transworld Van Lines, Inc.
P. O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

This is in reply to your letter regarding the Bell Operating Companies' practice of interrupting telephone service because of non-payment for Yellow Page directory advertising charge.

There are no Bell Operating Companies operating with the State of Hawaii.

For your information, GTE Hawaiian Telephone Company is the only telephone utility in Hawaii and must comply with this Commission's rules which prohibit the refusal of telephone service for non-payment of directory advertising charges.

Very truly yours,

Yukio Naito
Chairman

YN:LY:st

STATE OF

IOWA

TERRY E. BRANSTAD, GOVERNOR

IOWA STATE UTILITIES BOARD
DEPARTMENT OF COMMERCE

March 20, 1990
General Correspondence

Timothy Person, Sr.
President
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, MO 63112

Dear Mr. Person:

Thank you for your letter concerning the disconnection of your business telephone service for non-payment of yellow page advertising.

It is not known from your letter if your disconnected telephone service was located in Iowa. Due to our jurisdiction limited to Iowa, our authority would not extend to Missouri for example. In addition, AT&T does not bill for service, disconnect local service or provide a directory in Iowa. Thus, it appears that your reference is not to telephone service located in this state.

In Iowa, U.S. West is the major provider of local telephone service and the directory is issued by U.S. West Direct. Under Iowa Utilities Board rules, directory advertising is not regulated and a utility cannot disconnect for non-payment of unregulated service.

Regarding your second issue, neither state or federal rules require retention of paid bills for seven years. Furthermore, the rules have changed dramatically in those years. What applies now may not have been appropriate earlier.

Should you have an issue with disconnection of an Iowa service, please provide the details of the action and we will investigate for you.

Very truly yours,

Gerald W. Winter

Gerald W. Winter
Supervisor, Consumer Services

GWW:mlm

LUCAS STATE OFFICE BUILDING / DES MOINES, IOWA 50319

STATE OF MICHIGAN

COMMISSIONERS
William E. Long
Steven M. Fetter
Ronald E. Russell

PUBLIC SERVICE COMMISSION
6545 Mercantile Way
P.O. Box 30221
Lansing, Michigan 48909

JAMES J. BLANCHARD, Governor

DEPARTMENT OF COMMERCE

LARRY L. MEYER, Director

June 22, 1990

Timothy Person, Sr.
President
Allstates Transworld Van Lines, Inc.
P. O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

Your second letter concerning difficulties you have been having with Yellow Pages and American Telephone and Telegraph has been referred to this office. As you know from my letter to you dated March 20, 1990 and our subsequent telephone conversation, Michigan is a state where you should not encounter the problems that faced you in Missouri. I hope your nationwide effort will produce the results you seek.

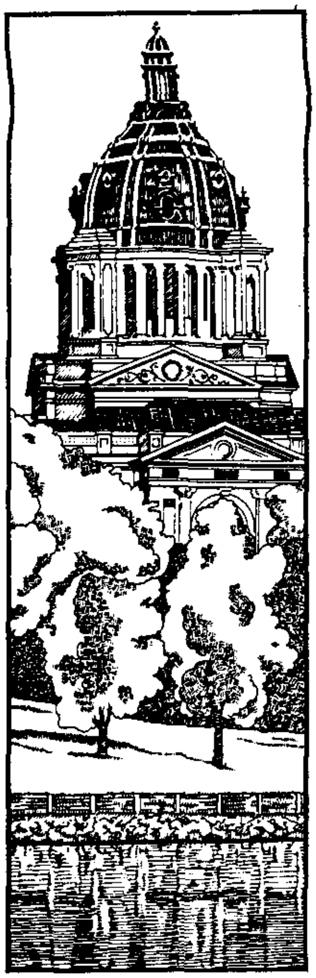
Sincerely,

William J. Celio

William J. Celio, Director
Communications Division

WJC/gdl

cc Chairman Long
Commissioner Fetter
Commissioner Russell



South Dakota
Public Utilities Commission
State Capitol, Pierre, South Dakota 57501-5070
Telephone (605) 773-3201
Fax (605) 773-3686

April 26, 1990

Mr. Timothy Person, Sr.
President
Allstates Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Dear Mr. Person:

Upon receipt of your letter I asked our staff person for consumer affairs to investigate the problem of your telephone disconnection.

Subsequently we have learned that AT&T has its Missouri office handling this problem and are sending all Allstate Transworld Van Lines claims to the Missouri Public Service Commission. It was mutually noted that telephone disconnections are done at the local exchange company level, not by the interstate telephone company. The next step we took was to call USWEST Communications for South Dakota to request information on whether any disconnections of your phones have taken place in South Dakota.

On April 25, 1990, we were told that the disconnection concerns explained in your letter do not affect any service you have had in South Dakota. Your company did have a telephone number in Pierre, SD, but your company representative had it disconnected, because Allstate Transworld Van Lines no longer needed that line. It was not disconnected because of any unpaid bill. It was further explained that the yellow pages to which your letter refers is the national yellow pages, and again would have no effect on any South Dakota account.

We hope that you will soon have this matter resolved. If any of the above findings are not verified by your records, please feel free to write or call the South Dakota PUC.

Sincerely,

James Burg /da

JAMES BURG, Chairman
Public Utilities Commission

STATE OF NEW JERSEY
BOARD OF PUBLIC UTILITIES
TWO GATEWAY CENTER
NEWARK, N.J. 07102

March 21, 1990

Mr. Tim Person, Jr.
Vice President of Operations
Allstates' Transworld Van Lines, Inc.
P.O. Box 11998
St. Louis, Missouri 63112

Re: C.A. #90-0503/003

Dear Mr. Person:

Your letter addressed to the Commissioners of the New Jersey Board of Public Utilities has been referred to me for a reply.

As you know, the New Jersey Board of Public Utilities jurisdiction does not extend beyond the State of new Jersey.

In the State of New Jersey, the practice of the New Jersey Board of Public Utilities is not to allow our local telephone companies to discontinue telephone service for non-payment of Yellow Page Advertising.

It is my understanding that AT&T divested itself of yellow page advertising in accordance with the modified final judgment which took effect January 1, 1984.

The shut-off would be under the jurisdiction of the Missouri Public Service Commission and your local telephone company Southwestern Bell.

Thank you for writing.

Very truly yours,

Kent R. Papsun

Kent R. Papsun, Chief
Bureau of Customer Assistance

c Scott A. Weiner, President

BOB ANTHONY
Commissioner

BOB HOPKINS
Commissioner

JAMES TOWNSEND
Commissioner

OKLAHOMA

Corporation Commission

JIM THORPE BUILDING

OKLAHOMA CITY, OKLAHOMA 73105

March 30, 1990

Mr. Timothy Person, Sr.
President
Allstate Transworld Van Lines, Inc.
P. O. Box 11998
St. Louis, MO 63112

Dear Mr. Person:

Thank you for your letter to Chairman Anthony regarding Yellow Pages. Your letter has been forwarded to me to investigate.

Members of my staff have discussed with you via telephone the current situation regarding Yellow Pages. The period you refer to was prior to the break-up of the Bell System which occurred January 1, 1984. Yellow Pages at that time was given to the Regional Bell Company and for the most part deregulated.

I trust you are no longer having a problem with your local company. Telephone service cannot be disrupted for non-payment of Yellow Page service in Oklahoma.

If we can assist you further please feel free to contact Bill Hollins or my Staff at (405)-521-4018.

Sincerely,

Larry A. Schroeder

Larry A. Schroeder, Acting Director
Public Utility Division

LAS:BH:mjm

cc: Chairman Anthony

ORDER NO. **89-662**

ENTERED **MAY 18 1989**

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

AR 181

In the Matter of a Rule Relating to Disconnection of Local Exchange Telephone Service (OAR 860-21-505).	)))	ORDER

DISPOSITION: RULE ADOPTED

On December 4, 1987, the Commission published, with the Secretary of State, notice of intent to adopt administrative rules relating to disconnection of local exchange telephone service. A hearing was held in this matter on January 28, 1988, in Salem, Oregon, before a Hearings Officer for the Commission. Comments were received from Telephone Utilities of Oregon (Telephone Utilities), United Telephone Company of the Northwest (United), Pacific Northwest Bell Telephone Company (PNB), The Oregon Independent Telephone Association (OITA), GTE Northwest, Incorporated (GTE-NW), the Canby, Beaver Creek, Colton, Clear Creek, Molalla, Monitor, Gervais, and St. Paul Telephone cooperatives (cooperatives), and the Washington County Energy Coalition (WCEC).

The proposed rule had three provisions. First, it would prohibit disconnection or denial of local exchange service for failure to pay for services which are not under tariff. Second, the proposed rule would require payments for less than the total amount of the bill owed, to be proportioned among all services unless the payer specifies otherwise. Finally, regulated telephone companies would be permitted to limit toll service and access to special services for the failure to pay for those services.

At the April 18, 1989 public meeting, the Commission adopted the administrative rule attached as the Appendix to this order. The Commission prohibited disconnection of local exchange service for failure to pay for nontariffed services. In addition, the Commission authorized utilities to restrict access to toll and special services for failure to pay for those services. The Commission did not adopt a rule related to utility billing practices. This order discusses the proposed rule and provides the Commission's rationale for the rule adopted in this order.

Failure to Pay for Services

Under the proposed rule, as clarified by Staff, a utility may disconnect a customer's local exchange telephone service only for failure to pay for tariffed services, including services provided under a contract or price list. Two categories of nontariffed services would be affected. First, a utility could not disconnect a customer who received service from a third party where the utility was acting as a billing agent. Examples include "976" and toll providers who bill their customers through the utility's billing and collection service. Second, the utility could not disconnect a customer for failure to pay for services which the utility does not provide under tariff. Examples of these services include Yellow Pages advertising and deregulated services such as customer premises equipment.

The proposed rule should be adopted with the clarification that the rule applies to price listed services. Contracts are considered tariffs pursuant to OAR 860-22-035. As discussed in more detail below, the rule will also include an exception providing that utilities which cannot restrict toll may disconnect a customer's local exchange service for failure to pay for toll service.

In recent years, telecommunications utilities have offered for sale to third parties billing and collection services which utilize the same bill which includes charges for local exchange service. Utilities are also now billing for their own nonregulated services using the utility billing format.

Local exchange telecommunications service is considered a basic commodity for Oregon's residents. As such, the threat of loss of service is a substantial incentive to pay bills on time. It is unfair to the customers to suffer the threat of loss of telephone service because of a billing dispute unrelated to the basic commodity. The customer may have a legitimate complaint concerning the quality or desirability of the third party's product or service. Customers may be unwilling to assert their rights because of a fear that lack of payment would result in disconnection of local service.

Furthermore, the utility could use its market power as a provider of utility service to attract customers for its billing and collection services. Purveyors of products and services would find the utility's ability to disconnect local exchange service for failure to pay the third party's bill a very attractive feature of the utility's billing and collection service. The threat of disconnection could avoid much of